

**ENTERED**

March 09, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. 2:16-CR-428

JUAN XAVIER RODRIGUEZ

§

§

**ORDER**

Juan Xavier Rodriguez filed a motion for a copy of the docket sheet and a copy of his plea agreement. D.E. 31. He also filed an Application to Proceed Without Prepayment of Fees and Affidavit, as well as information from his Inmate Trust Account. D.E. 32, 33. For the reasons stated below, the motion is granted in part and denied in part.

Rodriguez was sentenced to 18 months imprisonment in December 2016 for transportation of an unlawful alien. D.E. 29. He was represented by appointed counsel during the proceedings. D.E. 4. He did not appeal and the time to do so has passed. Fed. R. App. P. 4(b)(1).

An indigent defendant has a statutory right to free court documents only in particular circumstances. *See* 28 U.S.C. § 753(f); *United States v. MacCollum*, 426 U.S. 317 (1976). The defendant must establish that the documents are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f); *see also United States v. Herrera*, 474 F.2d 1049, 1049-50 (5th Cir. 1973) (“This Court has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government’s expense to search for possible defects merely because he is indigent.”). Because Rodriguez has nothing pending other than the present motion, he is not entitled to documents at government expense.

Rodriguez’ motion for a copy of his plea agreement at government expense (D.E. 31) is DENIED. His motion (D.E. 31) for a copy of his docket sheet is GRANTED and the Clerk is

instructed to provide Rodriguez with information regarding the cost of purchasing a copy of his plea agreement and Stipulation (D.E. 18, 19). Rodriguez' application to proceed without prepayment (D.E. 32) is DENIED because he is otherwise ineligible for documents at government expense.

SIGNED and ORDERED this 9th day of March, 2017.



Janis Graham Jack  
Senior United States District Judge